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10 TOURISM FOUNDATION dba GREATER PALM
11 SPRINGS CONVENTION AND VISITORS BUREAU

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **EASTERN DIVISION**

16 LISA CORSON,
17 Plaintiff

18 v.
19 GREATER PALM SPRINGS TOURISM
20 FOUNDATION dba GREATER PALM
21 SPRINGS CONVENTION AND
22 VISITORS BUREAU,

23
24 Defendant

25 Case No. 5:22-cv-00736-JWH (PVCx)
26 Honorable, John W. Holcomb, Presiding
27 Courtroom D9

28 **DEFENDANT GREATER PALM
29 SPRINGS CONVENTION AND
30 VISITORS BUREAU'S ANSWER TO
31 PLAINTIFF'S COMPLAINT**

32
33 Defendant GREATER PALM SPRINGS TOURISM FOUNDATION dba GREATER
34 PALM SPRINGS CONVENTION AND VISITORS BUREAU (hereinafter referred to as
35 "CVB") Answers the Complaint ("Complaint") of Plaintiff Lisa Corson ("Plaintiff") in the
36 above-entitled matter, as follows:

SUMMARY OF THE ACTION

1. The allegations in this paragraph contain legal conclusions to which no response is required.

2. CVB lacks sufficient information to form a belief as to the truth of the matters alleged regarding Corson and on that basis denies the allegations. As to the allegations regarding CVB, they are admitted. As to the allegations regarding the alleged infringement, they are denied.

3. Allegations missing or omitted.

4. Allegations missing or omitted.

5. Allegations missing or omitted.

JURISDICTION AND VENUE

6. The allegations in this paragraph contain legal conclusions to which no response is required.

7. The allegations in this paragraph contain legal conclusions to which no response is required.

8. Admitted.

9. The allegations in this paragraph contain legal conclusions to which no response is required.

DEFENDANT

10. Admitted.

THE COPYRIGHTED WORK AT ISSUE

11. CVB responds to this unnumbered paragraph in the complaint as follows: CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

12. CVB responds to this unnumbered paragraph in the complaint as follows: CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

INFRINGEMENT BY DEFENDANT

13. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

14. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

15. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

16. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

17. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

18. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

19. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

20. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

21. Denied.

22. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

23. Admitted.

COUNT 1

COPYRIGHT INFRINGEMENT

24. CVB incorporates its responses to paragraphs 1 through 23 as if set forth herein.

25. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

26. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

27. Denied.
28. Denied.
29. Denied.
30. Denied.
31. Denied.

PRAYER

1. Defendant denies Plaintiff is entitled to any relief.
2. Defendant denies Plaintiff is entitled to any monetary damages claimed.
3. Defendant joins Plaintiff in the request for a jury trial.

AFFIRMATIVE DEFENSES

Defendant hereby assets the following Affirmative Defenses in this case:

FIRST AFFIRMATIVE DEFENSE

1. Plaintiff fails to state a claim against Defendant on which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. One or more third parties are liable for the conduct alleged and will be required to answer and indemnify.

THIRD AFFIRMATIVE DEFENSE

3. Plaintiff's claims for relief are barred by the "Fair Use Doctrine" pursuant to Section 107 of the Copyright Act, 17 U.S.C. §107.

FOURTH AFFIRMATIVE DEFENSE

4. The action is barred by the doctrine of Laches.

FIFTH AFFIRMATIVE DEFENSE

5. Plaintiff's action is barred by the doctrine of equitable estoppel.

SIXTH AFFIRMATIVE DEFENSE

6. Defendant's conduct was innocent, non-infringing, and not a willful infringement of copyright.

SEVENTH AFFIRMATIVE DEFENSE

7. Any alleged infringement is barred by the statutes of limitations as set forth in

1 section 507 of the Copyright Act, 17 U.S.C. §507, and as set forth in California Civil Code
2 §339(1).

3 **EIGHTH AFFIRMATIVE DEFENSE**

4 1. Plaintiff has released or otherwise waived her rights to claim copyright
5 infringement.

6 **NINTH AFFIRMATIVE DEFENSE**

7 2. Plaintiff has acquiesced in any alleged copyright infringement.

8 **TENTH AFFIRMATIVE DEFENSE**

9 1. Plaintiff has failed to join indispensable parties.

10
11 WHEREFORE, Defendant prays this Honorable Court for the following relief:

12 1. For dismissal of the Plaintiffs' action with prejudice;
13 2. For an order that Plaintiffs' shall take no relief from their complaint herein;
14 3. For an award of Defendant's costs and attorneys' fees herein incurred; and
15 4. For such further and other relief and the Court deems fair and just.

16
17 DATE: June 8, 2022

SLOVAK BARON EMPEY MURPHY & PINKNEY LLP

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19 By:



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21 Shaun M. Murphy, Esq.
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23 Attorneys for Defendants
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